

Appln No. 09/927,296
Amdt date November 3, 2003
Reply to Office action of June 3, 2003

REMARKS/ARGUMENTS

Claims 1-44 are pending in this application. Claims 1-22 and 33-44 are withdrawn with traverse pursuant to the Examiner's restriction requirement. The drawings were objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Claims 27 and 28 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 23-32 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,301,105 issued to Cummings, Jr (Cummings, Jr.). Claims 23-32 stand rejected under U.S.C. 103(a) as being unpatentable over the publication "IDX Takes the Lead in Healthcare Billing" (IDX), dated February 18, 1997.

The drawings were objected to in the Office action under 37 CFR 1.83(a). Specifically, the Examiner has objected to the drawings for failing to show that a data processing system has a processor, a memory, and programming instructions as in claim 23. The Applicant has submitted an amended FIG. 1 explicitly depicting a data processing system 140 having a processor 142 operably coupled to a memory 146 having programming instructions 148. In addition, the Applicant has submitted a description of the amended portions of FIG. 1 as requested by the Examiner. The Applicant submits that neither the amendments to the figure nor the amendments to the specification introduce new subject matter.

In the Office action, claims 27 and 28 were rejected under 35 U.S.C. 112, second paragraph. Specifically, in the Office

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action, it is stated that the limitation "determining the variable percentage from the amount charged to the credit card account" is unclear. In claim 26, the applicant claims a credit to an insurance account. The amount of the credit is determined as a variable percentage of an amount charged to a credit card account. In claim 27, the Applicant claims that the variable percentage is determined, or calculated, based on the amount charged to the credit card account. In claim 28, the Applicant claims that the variable percentage is determined, or calculated, based on a balance amount of the credit card account linked to the insurance account.

In the Office action, claims 23-32 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,301,105 issued to Cummings, Jr. (Cummings Jr.). In claim 23, the Applicant claims **crediting an insurance account each time a charge is made to a credit card account linked to the insurance account**. As detailed in the specification, the type of credit applied to the insurance account may take the form of payment for purchases of different kinds of insurance policy premiums or payments for various services associated with an insurance policy. Also disclosed in the specification, the charges made to the credit account may be for any purpose, not just medical expenses.

In contrast, Cummings, Jr. discloses an integrated and comprehensive health care system for providing health care for patients. As such Cummings, Jr. does not disclose an **insurance account linked to a credit account**. Nor does Cummings, Jr. disclose the linkage between the insurance account and the credit account being **crediting the insurance account each time a charge is made to the credit account**. Because Cummings, Jr. does not disclose each limitation of Applicant's claimed invention, Applicant submits that the Examiner has failed to

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establish that the disclosures of Cummings, Jr. anticipate Applicant's invention. As such, Applicant submits that independent claim 23 is in condition for allowance.

With regard to dependent claims 24 and 32, these claims are dependent from their common independent claim and therefore include all the limitations of the common independent claim and additional limitations therein. Accordingly, these claims are also allowable for the same reasons set forth hereinbefore as well as the additional limitations recited.

In the Office action, claims 23-32 were rejected under U.S.C. 103(a) as being unpatentable over (IDX). In claim 23, the Applicant claims **crediting an insurance account each time a charge is made to a credit card account linked to the insurance account**. As detailed in the specification, the type of credit applied to the insurance account may take the form of payment for purchases of different kinds of insurance policy premiums or payments for various services associated with an insurance policy. Also disclosed in the specification, the charges made to the credit account may be for any purpose, not just medical expenses.

In contrast IDX discloses software for processing credit card payments on a desktop computer. In the Office action, the Examiner states that the use of "a designated credit card only for medical expenses" is "notoriously old." The Examiner then concludes that the designated credit card, combined with the disclosures of IDX, renders the Applicant's claimed invention obvious. However, the combination does not include each limitation of Applicant's claimed invention. Specifically, the combination does not include an **insurance account linked to a credit account**. Nor does the combination include a linkage between the insurance account and the credit account in the form of **crediting the insurance account each time a charge is made to**

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the credit account. Because the combination does not include each limitation of Applicant's claimed invention, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with regard to Applicant's claimed invention. As such, Applicant submits that independent claim 23 is in condition for allowance.

With regard to dependent claims 24 and 32, these claims are dependent from their common independent claim and therefore include all the limitations of the common independent claim and additional limitations therein. Accordingly, these claims are also allowable for the same reasons set forth hereinbefore as well as the additional limitations recited.

The Applicant submits that the claims remaining in this case are in condition for allowance and requests same.

Respectfully submitted,
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